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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,752	12/21/1999	VIKRAM SINGH	GEM-30890	4049

27061 7590 04/24/2002

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EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/468,752

Applicant(s)

SINGH ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. Claims 1-23 are pending.
2. Applicants Information Disclosure Statement regarding U.S. Patent Applications 60/168,893 and 09/468,403 is noted.

Specification

3. The specification is objected to. On page 7, line 23 the acronyms "CAT" and "MR" are not defined. Page 10, line 26, "with check wether" is not clear. No new matter may be entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albaum et al, U.S. Patent No. 5,758,095 in view of Salmon et al., U.S. Patent No. 5,592,375.

Albaum discloses a central computer network processing system connected to satellite computer station (or regional processing units or second tier system) providing a bi-directional communication between a seller and buyer, generally a physician, for purchasing a prescription drug product or type of medical delivery device, if available, in a restricted area, e.g. the hospital. Albaum system is designed to provide a red flag to verify only authorized buyers use the system (col. 8, lines 21-31) prior to delivery of the product.

Salmon discloses an computer network database system for interactively buying and selling desired products over a database system having basic offer and acceptance terms incorporated within the interactive database system using a profile template account.

To provide the account number to encompass a desired product for Albaum, would have been obvious to one of ordinary skill in the art, in view of Salmon. Doing so would provide a ready mechanism of identifying a patient with a particular desired drug prescribed, ordered and consumed by the patient. As a result, a well known medical treatment history is generated. Regarding the well known concept of the contract idea of offer and acceptance, the particular conditions and terms, e.g. credit worthiness, address destination of the product, associated with each individual transaction, associated with the network system of Albaum, would have been obvious to one of ordinary skill in the art, in view of Salmon.

Regarding claims 12-17, Salmon's database would appear to inherently contain a computer readable medium that accomplishes the claimed objectives. Nonetheless, the particular well known computer readable medium used to facilitate the execution of the computer network of Albaum, as modified by Salmon, would have been obvious to one of ordinary skill in the art. Doing so would use well known technology over a computer network providing for timely and accurate information exchange.

6. Claims 1-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Schein et al., U.S. Patent No. 6,226,623.

Schein discloses a global financial communications network where the credit rating of a potential customer is determined to determine if a product/service is available. To provide an account number to a customer if he/she passes an initial screening to determine if a product/service is available for Schein would have been obvious to one of ordinary skill in the art. Doing such would provide the well known concept of providing an account number associated with financial product/service arena. The financial product/service may be construed as a restricted entity within the broad limitations of the claim language.

Regarding claims 12-17, Schein's database would appear to contain a computer readable medium that accomplishes the claimed objectives. Nonetheless, the particular well known computer readable medium used to facilitate the execution of the computer network of Schein,

would have been obvious to one of ordinary skill in the art. Doing so would use well known technology over a computer network providing for timely and accurate information exchange.

7. Further references of interest:

Filep et al., U.S. Patent 5,347,632 discloses a reception system for interactive computer network.

Filep et al., U.S. Patent 5,758,072 discloses an interactive computer network.

Mayaud, U.S. Patent 5,845,255 discloses a prescription management system.

McGrady et al., U.S. Patent 5,912,818 discloses a system for tracking and dispensing medical items.

Arnold et al., U.S. Patent 6,016,504 discloses a system for seeing if a product is available on the market.

Lester et al., U.S. Patent 6,021,392 discloses a drug management system.

Byerly et al., U.S. Patent 6,067,524 discloses a system for transmitting data regarding pharmacy patients.

Akers et al., U.S. Patent 6,112,182 discloses a pharmacy management system 102.

Petke et al., U.S. Patent 6,163,732 discloses a system for sales of restricted products.

Tran, U.S. Patent 6,202,060 discloses an automated pharmacy database system.

Geer, Jr. et al., U.S. Patent 6,212,634 discloses an authorization unit.

Allard et al., U.S. Patent 6,249,773 discloses an on-line shopping from accepted lists and on-sale status.

Duhon, U.S. Patent 6,311,169 discloses an on-line credit data reporting system including credit worthiness.

French et al., U.S. Patent 6,321,339 discloses an authentication system for an interactive computer network.

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

April 22, 2002

Andrew Joseph Rudy


Richard Chilcot
Supervisory Patent Examiner
Technology Center 2890
2167